

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION

JOHNNIE SWANS, # 108928

PETITIONER

VERSUS

CIVIL ACTION NO. 5:10-cv-7-DCB-MTP

DALE CASKEY

RESPONDENT

**ORDER DENYING COA**

Johnnie Swans filed a petition for writ of habeas corpus under 28 U.S.C. § 2254 on January 25, 2010 [docket entry no. 1] which the Court dismissed with prejudice on February 15, 2011 [docket entry no. 23]. On that same day, pursuant to Federal Rule of Appellate Procedure 22(b), Rule 11(a) of the Rules Governing §§ 2254 and 2255 proceedings, and 28 U.S.C. § 2253(c), the Court denied a Certificate of Appealability ("COA") because Petitioner had failed to show (1) that reasonable jurists would find this Court's "assessment of the constitutional claims debatable or wrong," or (2) that reasonable jurists would find "it debatable whether the petition states a valid claim of the denial of a constitutional right" and "debatable whether [this Court] was correct in its procedural ruling." Slack v. McDaniel, 529 U.S. 473, 484 (2000).

Petitioner then moved for a COA on March 23, 2011 [docket entry no. 24], despite the fact that the Court had already denied Petitioner such a certificate. Because Petitioner asserts no new

arguments which the Court did not consider in its previous denial of COA, this subsequent request for a COA is likewise denied.

Accordingly,

**IT IS HEREBY ORDERED** that the Petitioner's Motion for a Certificate of Appealability [docket entry no. 24] is **DENIED**.

**SO ORDERED**, this the 11th day of May, 2011.

s/ David Bramlette  
**UNITED STATES DISTRICT JUDGE**